

REMARKS

At the outset, the Examiner is thanked for considering the pending application. The Office Action dated June 15, 2007 has been received and its contents carefully reviewed.

Claims 1-16 are currently pending of which claims 1-8 and 14-16 are currently under consideration. Claims 1, 8, and 14 have been amended; no new matter has been added. Support for the amendment to claims 1, 8, and 14 can be found, *inter alia*, in paragraph [0036] that lists various compounds including those claimed. Reconsideration of the pending claims is respectfully requested.

Initially, Applicants would like to thank the Examiner for indicating the allowable subject matter. Applicants also would like to thank the Examiner for the courtesy extended over the telephonic interview on September 13, 2007. During the telephone conversation the Examiner explained further her position with respect to her interpretation of the claim language. In light of the Examiner's comments, although disagreeing with the construction, Applicants have amended claims 1, 8, and 14 to clarify the language therein.

The Office Action rejects claims 1, 2, 5-8, and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication 2002-324676 to Suzurisato et al. (hereinafter "Suzurisato"). Applicants respectfully traverse.

To render a claim obvious, the prior art must teach or suggest each and every element of the claim. Suzurisato fails to teach all the elements of at least claims 1, 8, and 14, therefore Suzurisato cannot render claims 1, 2, 5-8, and 14-16 obvious.

Claims 1, 8, and 14 recited, *inter alia*, R₂ and R₃ (R₅ and R₆ in claim 8) to be "heteroaryl or substituted heteroaryl of from 5 to 24 carbon atoms." Suzurisato does not teach this element of claims 1, 8, and 14. Formula 2-7 of Suzurisato clearly shows that it is not a heteroaryl substituents are not attached to the bi-naphthyl group. It appears that the rejection is erroneously

premised on the theory that “since none of furyl, thienyl, pyridyl, quinolinyl or triazinyl have as many as 24 carbon atoms, the claim limitation is interpreted to encompass fused ring systems having the heteroaryl components.” *See Office Action*, p. 3 and p. 5-6. This premise is erroneous because it disregards the fact that, independent of whether the heteroaryl is substituted, for the species under consideration the claims recite R₂ and R₃ (R₅ and R₆ in claim 8) to be heteroaryl substituents to the bi-naphthyl group and not heteroaryl substituents of other intervening groups. To further clarify this point, claims 1, 8, and 14 have now been amended to delete the language the Examiner found to be confusing. Therefore, claims 1, 8, and 14 now clearly recite that it is the heterocyclic group that is the substituent R₂ and R₃ (R₅ and R₆ in claim 8) of the bi-naphthyl group and not a different structure. Because Suzurisato does not disclose heteroaryl groups attached to the bi-naphthyl group, Suzurisato fails to teach each and every element of the species under consideration. As such, the species under consideration is patentable over Suzurisato. Claims 2, 5-7, and 15-16 variously depend on claims 1, 8, and 14 and thus are patentable over Suzurisato at least for the same reasons as claims 1, 8, and 14. Applicants respectfully request withdrawal of this rejection.

The Office Action also rejects claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Suzurisato in view of U.S. Patent No. 6,824,893 to Hoag et al. (hereinafter “Hoag.”) Applicants respectfully traverse this rejection.

Claims 3 and 4 variously depend on claim 1 and thus incorporate therein all the elements of claim 1. For the species under consideration, claim 1 recites R₂ and R₃ to be “heteroaryl or substituted heteroaryl of from 5 to 24 carbon atoms.” As discussed above, Suzurisato fails to teach or suggest this element. Hoag also fails to teach this element. As such Hoag does not cure the deficiencies in Suzurisato. The combined teaching of Suzurisato and Hoag, therefore, cannot

render claims 3 and 4 obvious. In light of these arguments, Applicants respectfully request withdrawal of this rejection.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,



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